IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 721 (SS) of 2003

Madan Lal Tiwari,
S/o late Sri Vachaspati Tiwari,
R/o Village – Purwalgaon,
Patti – Hondo, Tehsil – Ghansali,
Distrrict – Tehri Garhwal. **…….Petitioner.**

Versus

1. Superintendent of Post Office, Tehri Division, New Tehri, District – Tehri Garhwal.
2. Chief Post Master General, Regional Office, Dehradun.
3. Directorate of Postal Department though its Director, Sansad Marg, New Delhi.

…….Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri H.M. Raturi, learned counsel for the petitioner and Sri Arvind Vashistha, learned ASG for Union of India on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. *to issue the writ, order or direction in the nature of Certiorari quashing the impugned rejection claim dated 14.05.2003*
2. *to issue the writ, order or direction in the nature of Mandamus commanding the respondents to appoint the petitioner under Dying in Harness rules on the post according to his qualification.*
3. *to issue any other writ, order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.*
4. *award cost of the writ petition in favour of the petitioner.*

The submission of the counsel for the petitioner is that the post of Village Dakpal in Village Purwal Gaon, Tehsil – Ghansali, District – Tehri Garhwal is vacant for about three years. Respondent no. 1 has issued advertisement for the post of Dakpal on 15.01.2007. Petitioner had earlier applied for the aforesaid post in pursuance to the advertisement dated 22.05.2003. Petitioner's father was also working as Village Dakpal right from 1972 to 2002. Thereafter, petitioner applied for the post of Village Dakpal in the aforesaid village on compassionate ground, as his father died while in service.

Learned counsel for the petitioner has further submitted that respondents had permitted the petitioner to work on the post of Village Dekpal for short period on compassionate ground. However, later on he was not permitted to continue.

Petitioner has also applied for the post of Village Dekpal in pursuance to the advertisement dated 15.01.2007.

During the course of the argument, learned counsel for the petitioner has prayed that respondents may be directed to consider the candidature of the petitioner for the post of Village Dakpal and while considering his candidature this fact that his father was working as Dekpal in the said village right from 1972 to 2002 and petitioner had worked as Village Dakpal for short period on compassionate ground, as alleged by the petitioner may also be considered.

In the circumstances stated above, I deem it fit and proper to direct the respondents to consider the candidature of the petitioner for the post of Village Dakpal in accordance with law and may consider sympathetically the fact that petitioner's father, who was working as Village Dakpal, died in harness and petitioner had also worked as Village Dakpal with the

respondents as alleged by petitioner and may also consider to give weightage.

With this direction, writ petition as well as stay application no. 81 of 2007 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

February 20, 2007
SKSharma